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KEVIN WILLIAM GIBSON

Admitted in PA & DE

August 19, 2003

Honorable William D. Quarles
US District Court
101 West Lombard Street
Baltimore MD 21201

Via Electronic Filing

Re: Ayers v Capute No. WDQ 02-CV-0061

Dear Judge Quarrels:

I represent the Plaintiff in the above matter. The instant letter is being written to you with the knowledge of defense counsel Robert T Shaffer, III, Esquire.

The purpose of my letter is to request the Court to order the parties to mediate this legal malpractice action. I have been representing victims of legal malpractice for a great number of years. I believe I have mediated either by agreement or by court order at least 20 of these type cases and all but one failed to settle as a result of mediation.

It has been my experience that a defendant lawyer is usually more comfortable having an independent magistrate, retired judge and/or an experienced lawyer review the case and provide a candid assessment of liability and the potential exposure if liability is in fact a distinct reality. I too have benefited from such independent analysis in that on many occasions my demands came down as the mediator suggested potential weaknesses that I did not anticipate.

This is an excellent time to mediate the case. The cross motions for summary judgment were denied, discovery is done and Pre Trial Statements will soon be filed. Mr. Shaffer advises that he is not adverse to mediating this case but has concerns as to just who would be an appropriate mediator. Mr. Shaffer, who is also greatly experienced in legal malpractice cases from the defense side, advises that if mediation were to be ordered, it is his opinion that Magistrate Grimm would be the best candidate. I am not a regular practitioner in Maryland State and Federal Courts so I would of course defer to Mr. Shaffer's judgment in this regard.

If your Honor is inclined to agree that mediation is appropriate in this case, I have taken the liberty of enclosing a proposed form of Order.

Very truly yours,



KEVIN WILLIAM GIBSON

Cc: Robert T Shaffer, III, Esquire

IN THE UNITED STATES DISTRICT COURT OF MARYLAND

TIMOTHY E. AYERS
P. O. Box 1210
Seaford, DE 19973

Plaintiff

vs.

CHARLES T. CAPUTE, ESQUIRE
114 North West Street
Easton, MD 21601

Defendant

NO.

NON-ARBITRATION

JURY TRIAL DEMANDED

No. WDO 02-CV-0061

CMAL Legal Malpractice

ORDER

And now this day of August 2003, upon request of the Plaintiff to order a Mediation of this case, and seeing no reason why Mediation should not be conducted in this matter, it is hereby ORDERED AND DECREED, that the parties shall submit this matter to Magistrate Grimm for Mediation. Counsel for Plaintiff shall coordinate available dates for Mediation as between the parties and Magistrate Grimm. Counsel for Plaintiff shall advise this Court as to the date and time Mediation will take place and shall make further report to this Court regarding the results of such Mediation.

J.